

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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COMMITTEE ON AGRICULTURE
February 22, 2005
LB 517, 673

The Committee on Agriculture met at 1:30 p.m. on Tuesday, February 22, 2005, in Room 1524, of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing regarding the confirmation of a gubernatorial appointment and LB 517 and LB 673. Senators present: Bob Kremer, Chairperson; Philip Erdman, Vice Chairperson; Carroll Burling; Ernie Chambers; Doug Cunningham; Deb Fischer; Don Preister; and Roger Wehrbein. Senators absent: None.

SENATOR KREMER: We'll go ahead and get started. They're kind of in the process of hooking up, and so our hearing is going to be a little bit different today, and I hope it doesn't get too disruptive, but we're trying to accommodate some of the senators when there's some issues that are important to western Nebraska. We did that in Natural Resources the other day on an issue, and so we're going to do that again today. But we will go ahead and get started, and if we see them come on the screen, we'll probably just stop and welcome those from Chadron. I guess there's a group there, I'm not sure just how many. I'll start out by introducing our committee. It looks like we have a few still to come in. On my far right is Jessica Shelburn, she's the committee clerk. And I will introduce the others as they come in, I think, but some will be maybe late. Sometimes they're introducing some bills in another committee. On my right is Rick Leonard, he's the research analyst; I'm Bob Kremer, Chairman of the committee, from District 34; Senator Burling from Kenesaw; and Senator Wehrbein from Plattsmouth; Senator Fischer from Valentine; and Senator Erdman has joined us, he's the Vice Chair of the committee, and he's from Bayard. Our committee page is David Solheim, from Norfolk, a sophomore at UNL, and if you need anything or some material passed out, he will accommodate that, and if you need a glass of water or anything else, he'll just do anything you need. I'd ask you to please turn off your cell phones so that we're not getting disrupted, and by the way, I probably ought to turn mine off; I've had that happen sometimes. And as you come up to testify, please fill out a sign-in sheet; I think there's some at each corner. Have them filled out before you come up, it's very helpful, and drop them in the box. Then when you testify, please state your name and spell it.

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It's not for Jessica, it's for the people that are trying to listen to the transcription and decipher who's speaking, so we need you to spell your name to help with that. Keep your conversations to a minimum. If you need to talk to somebody, please step out in the hall to do that. If you have any material to handout, as I mentioned, please, just give it to the page and they will hand it out. Senator Preister, from Omaha, has just joined us. Please make sure you speak into the microphone so that we can pick it up for the transcribers also. The first thing we have, and it looks like we've got a picture out there, I don't know if they're hearing us or not, but we have a confirmation hearing for the State Fair Board, and Tam Allan has been appointed, so Tam, if you'd please come forward, and we will start with our confirmation hearing.

CONFIRMATION HEARING ON
TAMAS ALLAN TO THE
STATE FAIR BOARD

SENATOR KREMER: Welcome, Tam, please just tell us a little bit about yourself, and maybe some of your visions for the State Fair, and a little bit of background, and we'll maybe have some questions for you, but anything you'd like to share with us, we'd like to hear it.

TAM ALLAN: Thank you, Mr. Chairman and members of the committee. My name is Tam Allan, and I heard what you said, T-a-m A-l-l-a-n. I think you've got it A-l-l-e-n there.

SENATOR KREMER: It is a-n then. Okay.

TAM ALLAN: I am from Lincoln, and I would be the Lincoln appointment, and I'll be replacing Jo Kinsey, whose term was up, and actually she has since moved from the state for another job in another area. I am an attorney by training. I'm a lifetime resident of Nebraska. I'm involved in property development. In coming over to this beautiful building, I'm reminded of a couple of the things, the buildings that I've done. I did the State Bar Association Building, of course across the street, and also the State Data Processing Center, and I remember the times where, in talking with Bob Ripley, I'm sure as you all know, in how good of a job he does as a steward of this great building,

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is when I told him we wanted to put a tunnel underneath the front lawn and under the foundations of the Capitol Building. And so nothing has fallen down, so hopefully that's been successful. My interest in the State Fair, I was approached by the interim director, Joseph McDermott, to see if I was interested on that. I had not sought the position, however I'm very honored to be asked to be selected to this board pending your confirmation. I have been, through my family, involved with the State Fair, gosh, since my earliest recollection, since I was 4 years old. My father, Tom Allan, was a writer for the Omaha World-Herald, and his favorite beat, other than the outstate Nebraska, was covering the State Fair. And in our family that was just a block of time where my father would come down to Lincoln and literally live down here and do what he loved in talking about the fair and the people from all over this state. And so I grew up going to the fair and appreciating what a very important bridge that it is in communication between all the areas of the state, between the Omaha area, of course Lincoln where it's located, and most importantly is to the out-state area. Obviously, the fair is undergoing some challenging times, but then the mandate of the vote of the people is just a wonderful thing, it's a vote of confidence. There's a tremendous opportunity for the fair. In speaking for myself, and I think in speaking for the other board members, we all take it extremely seriously, the opportunity that has been offered to the State Fair Board. It's ours to take the opportunity and to expand it, and I think some very exciting things are going to happen on that, and we take this as a very big responsibility. I take it as a very high honor and a personal responsibility to keep the State Fair going in the way that it has been in the past. I would be happy to answer any questions that you might have on that.

SENATOR KREMER: Okay, Tam. Any questions for Tam? Senator Erdman.

SENATOR ERDMAN: Tam, I want to ask, and it may not be fair, but what are your thoughts, looking at the match money that's necessary for the State Fair to receive the \$2 million in lottery funds? What are your thoughts on that or the annexation proposal or some of those ideas that we're hearing about, as state senators, that may be used to meet that match? Do you have any ideas on that area?

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TAM ALLAN: I sure do. I am from Lincoln. I do business in this area, so I'm a Lincoln person. But I think that the voters spoke very clearly as far as what the intentions are and the way that this body had devised for the matching funds with the city of Lincoln. It seems like it's working itself out, as it is. And one thing, in the couple of the meetings that I have gone to with the State Fair subject to this committee's confirmation, is we as a committee are extremely interested in what this committee and what this legislative body feels like what would be the answer on that. And I've had discussions with the DAS director, Lori McClurg, on that, and Senator, I'd be very interested on your thoughts on it. I guess to me, and this is just personally, I think it's clear in the law that the money needs to be offered on that. They of course have come up with the \$25,000 from the city, and the fact that the county came up with an additional \$25,000 for the first installment of that, where I don't think that they needed to, I think that is a great first step. But we really, obviously, need that money. I think it's the intent of the voters that we have that money. It's a huge benefit to this city and has been for some time for the continuation of it. You spoke specifically about the annexation issue. To me...well, and obviously, it's a stated issue, the only thing for is to be able to collect the sales tax increment for the city to pay that. It might be in the best interest, at some point, for annexation, but just for that specific reason, to come up with the money for that, I don't think that was the intent. Senator, I don't know if I've answered your questions, but.

SENATOR ERDMAN: You've done a good job. I have similar concerns on the annexation provision. I don't believe any of us supported the proposal to have those who would come visit the fair, pay it on behalf of the community that benefits from it. And so I have great concerns over some ideas that would violate what was intended and what was discussed within the floor discussion, as well as what I believe most people recognize was on the ballot. So I appreciate your perspective.

TAM ALLAN: Well, it's the state's property. We have the obligation or the duty to maintain it and to run it as a board, but like I said, any input by this committee or the body would certainly be welcome to what direction that you would seek us to act as a board.

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SENATOR ERDMAN: Thanks, Tam.

TAM ALLAN: Thank you.

SENATOR KREMER: Thanks, Tam. Any other questions? Senator Fischer.

SENATOR FISCHER: Hi, Tam. I had the pleasure to meet Mr. Allan and his wife earlier this month, and I just wanted to welcome you to the committee and appreciate your tactful yet open answers. Thank you.

TAM ALLAN: Thank you, Senator.

SENATOR KREMER: Any other questions? Senator Chambers, from Omaha, has joined us, and Senator Cunningham, from Wausa, has joined us, since we introduced them before, so. Well, I think there are some real challenges, but I think everybody feels like that was kind of a directive when we passed the sharing from the lottery funds, and also from the city, where the fair is located. That was left open, but it's in Lincoln right now, and assuming it will stay there, that they would share somewhat in that. I feel like the city of Lincoln does benefit greatly from the fair, and appreciate your willingness to be involved and contribute. Any other questions? None. Thank you, Tam.

TAM ALLAN: Thank you.

SENATOR KREMER: Anyone wishing to testify in support of Tam Allan? Anyone wishing to testify in opposition? Your wife has got an opportunity here now, if it takes too much time, so. Oh, good. Okay. Anyone in neutral position? Seeing none, thank you. And that will close the hearing on the confirmation hearing on Tam Allan for the State Fair Board. I don't know if we've got the hookup at Chadron at the college? Is there anybody out there that can indicate if they're hearing us? Could anybody raise their hand if you hear us? Okay. Thank you, Senator Chambers. Well, this bill isn't with that anyway, so we will go on, and I assume that they will get on board. First of all, we have LB 517, and Senator Baker is here to introduce this bill. We would like to try to have it done by 3 p.m., so please keep your comments concise and don't unnecessarily repeat what

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somebody else has said. If it gets too long, why we maybe asking you to kind of summarize it, but not you, Senator Baker, you've got all the time you need.

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SENATOR BAKER: Thank you, Chairman Kremer, and members of the Agriculture Committee. My name is Tom Baker; I represent District 44. I guess I'd better spell it, T-o-m B-a-k-e-r...I've got to follow our own rules...here to introduce LB 517. I have no intention nor do the people behind me testifying on this bill, of taking this to 3 p.m. I don't think that anybody has any interest in doing that. It's a bill, after I met with the Nebraska Cattlemen at their annual convention in Kearney, there seemed to be some interest out in my district of maybe adding a county to the brand inspection area, and specifically Furnas County. I did not propose to do that in this bill, but it would be very easy to do if they did come to the Nebraska Cattlemen and the Brand Committee and say they would like to be added. Furnas County, the bill itself, as drafted, puts the whole state in the brand inspection area. I do not propose to do that. I don't want the bill moved in any shape or form, like this. But we drafted it so that we could use it as a vehicle to possibly add Furnas County. Their Livestock Feeders Association, I believe, meets Saturday--this Saturday. Whether they want in or not, it's up to them. If they want in...I will point out, though, that Furnas County, of course, is bordered by Kansas on the south, but they're bordered by Red Willow County, Gosper County, and Harlan County, and they are all in the brand inspection area, so there's this county out there, that's isolated, and it causes some problems moving cattle back and forth across county lines, common ownership between counties and so on. So I'm patiently waiting to see if Furnas County is interested in adding their county to the brand inspection area, or any other county, for that matter, that's not in. Right now, about half the counties are in the brand inspection area, and half the counties are out. So the bill is a vehicle to use, if needed. I would ask the committee to just simply hold the bill for the time being. It proposes no other changes. I would ask, very simply, not to advance the bill until we get some indication of who may want to be added to the brand inspection area, if anyone.

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And if no one wants in, then I would simply ask that the bill be IPP'd late in this session. I suggest we hold it open until then. With that, I'd be glad to answer any questions.

SENATOR KREMER: (Exhibit 1) Any questions for Senator Baker? Seeing none. Thank you. First proponent on LB 517, please come forward. Okay, Senator Baker will waive closing then. Proponents? Okay, first opponent, please come forward?

TOM HANSEN: Good afternoon. My name is Tom Hansen, H-a-n-s-e-n. I'm from North Platte and I'm here today representing the Nebraska Cattlemen. For several reasons, I guess, I wanted to testify first on this to just give you a little bit of historical perspective. I sit on the Nebraska Brand Committee, so I feel like I can't talk about anything that's going to affect the operations of that because I'm on that board. But from a historical perspective, my grandfather, Henry Hansen, has documentation, and I have that in a box that's actually in Senator Louden's office right now, a family history from 1919 concerning the brand laws and the brand things that affected him and his ranch since 1919. He served in the bicameral of Nebraska from 1924 to 1935. He was a member of the last house that served in Lincoln. From there he went on and he became the president of the Nebraska Stock Growers, president from 1936 to 1937, and continued to formulate brand laws and brand inspection area. Finally, in the 1940s, a line was proposed that ended the brand inspection at Hall County. If you go down the interstate, Hall County, north and south, that was the line that they came up with in 1940. Unfortunately, there's not very many of those people left to go back and research that, and going through my grandfather's documentation, they never had a real good reason for that either. Steve Stanec, with the Brand Committee, has read all that. Maybe he read something that I failed to see, but for some reason or other that's the line they drew. Sixty years later, we're still looking and wondering why they drew that line, and why not the whole state? Nebraska Cattlemen was formed in 1988 from the merger of the Nebraska Stock Growers and the Nebraska Livestock Feeders Association, has had ongoing policy that kept the brand inspection line the same as it was originally placed. There are means in place to opt in or opt out, as Senator Baker

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said, of the inspection area, county by county, or I think even township by township. Keep in mind, though, that the Nebraska brand laws cover the whole state. This is just the brand inspection line, but the brand laws cover the entire state. This is a very divisive issue in the state and it's also a very divisive issue for the Nebraska Cattlemen. After living under various brand laws, and I meant to get to Senator Louden's office in time to bring a few little brand books, they used to be county brand laws, and our brand is one of the oldest brands in the state, and they had little pocket books that they carried the brand laws in. So there had been brand laws and brand inspection in Nebraska, especially in western Nebraska, since the late 1800s. But after living with those since the 1800s, the people west of that line, that imaginary line, don't want to live without the brand laws. Likewise, the people that live east of that line have lived that long without one; they've never had a brand inspection area. So other than the packing houses and the terminal facilities, like in Omaha, Council Bluffs, where they used to have inspections, but I think as far as Nebraska Cattlemen goes, we would like to see the line just remain as it is, status quo.

SENATOR KREMER: And each county could be included, if they so desired then?

TOM HANSEN: They can opt in and they can opt out, too. Yes.

SENATOR KREMER: Could you tell us what the process is for opting in?

TOM HANSEN: No.

SENATOR KREMER: Nobody knows for sure?

TOM HANSEN: I don't...Mr. Stanec will.

SENATOR KREMER: We can ask Mr. Stanec, maybe later. Senator Fischer, did you have a question?

SENATOR FISCHER: I have a question on a handout that we have here in our committee books. It says in 1980, LB 797 repealed the provision for petitioning to add counties to the brand area. But, Tom, you said that there are

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provisions that a county can petition to be in the brand area?

TOM HANSEN: There are, but I'm not...I don't know how they are. I don't know how they mechanically function, but there is a way to add a county, yes.

SENATOR FISCHER: Okay, because Senator Baker said that, you know, he wants us to hold the bill to see what Furnas County wants to do. So if there's already a means of petition to get into the brand area, then I wouldn't think we'd need the bill. We'll have to check on that. I thought maybe you knew specifically what that would be.

TOM HANSEN: No, I don't know the specifics of it.

SENATOR KREMER: It has to be legislation, but it could be like come from a petition to ask us to do that...

TOM HANSEN: Right.

SENATOR KREMER: ...so maybe somebody could, Mr. Stanec could answer that.

TOM HANSEN: I think Furnas County has done this before.

SENATOR KREMER: Okay. Any other questions of Tom? Seeing none. Thank you.

TOM HANSEN: Thank you.

SENATOR KREMER: Any other opponents? Greg, did you fill out a sign-in sheet and...?

GREG BAXTER: Pardon me. I just went back and picked one up back there.

SENATOR KREMER: You can do that after you get finished, and stick it in there. That's fine; no problem.

GREG BAXTER: I'll get that filled out and bring that in. You bet. I appreciate the time this afternoon to address all of you. I'm Greg Baxter, B-a-x-t-e-r, Grand Island, Nebraska. We have T & E Cattle Company, which was originally founded in 1935. I'm the third generation of our

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family that has been in this exact same location. We have expanded from what it was. My grandfather died in 1969, and my father took the yard from right then, about a 5,000-head yard to just shy of 20,000-head yard. We have considerable grazing operation lands on the west side of Grand Island, within five miles from our office. And I would like to speak in opposition to this. If we'd look at the state of Nebraska, the line based in Grand Island, which we are out of, or Hall County, I'm sorry. We are outside of the brand inspection area. If we look at the make-up of the livestock industry in Nebraska, the confined feeding operations are primarily east of Hall County. My point being that with the greatest amount of cattle being fed in Nebraska being east of Hall County, outside of the brand area, this does have a very critical impact to this proposed bill. The reason for that is that as we market live cattle in and out of our feeding facility, it is a tremendous burden on the individual operations if you go in and sort cattle and market a portion of a string of cattle or a pen of cattle to a packing house facility; it is a tremendous burden for us each time we do that. When we market cattle, the IBP based in Lexington, for that very reason, they are inside of a brand inspection area, so each time we sort out 25, 30, 40 percent of a pen of cattle, ship them to Lexington, the original...and I want to emphasize that...original brand papers need to accompany those cattle at shipment time. Now when we...that's the equivalent of when you, if you were to ship a car to a car auction, you sending the original document or title of ownership along with it at that time. At that point, you give up your original documentation showing ownership of that entire set of cattle. Now the impact to us comes from the standpoint that we may sort 25 percent of a group out and ship them, and two weeks later need to sort out another cut of them to ship to another packing house, but yet we haven't received the original brand documents back in the mail from the first packing house. This gets to be a cumbersome situation and is definitely not a convenience to an operation. We do ship several cattle. We also have a ranch up by Burwell, which is inside the brand inspection area. We quite frequently shuttle cattle back and forth from Grand Island to the Burwell facility. And there again, it's bringing additional expense and burden to the individual operations from the standpoint when we bring our own cattle that we already own and have title on to our facilities in Grand Island, we have

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to get them brand inspected every single time. So once again, to summarize, I would just appreciate not supporting this. I definitely am in opposition to expanding the brand inspection area to cover the entire state.

SENATOR KREMER: Any questions of Greg? Do you have any problem with including a county or two that would like to be in, like Furnas County down there is kind in an island?

GREG BAXTER: No, I do not. If that particular county opts to solicit enough support from the residents inside the county, and if they have a strong enough support for them to go into the brand inspection area, I have no problem with that at all.

SENATOR KREMER: Any questions, any other questions? Seeing none, thanks, Greg.

GREG BAXTER: Thank you.

SENATOR KREMER: Anyone else wishing to testify in opposition? Anyone wishing to testify in a neutral position? Mr. Stanec, maybe you can answer a few of the questions that we might have.

STEVE STANEC: I will try to do so. Good afternoon, Senator Kremer and members of the legislative Agriculture Committee. My name is Steve Stanec, S-t-a-n-e-c, executive director of the Nebraska Brand Committee. I'm here today to give testimony on LB 517 in a neutral capacity. LB 517 would most certainly have a large impact on the day-to-day operation, as well as it has the potential to being a financial burden, at least initially, on the Nebraska Brand Committee. If one were to merely look at the statistics published by the Nebraska Agriculture Statistics Services, in cooperation with the Nebraska Department of Agriculture, at the number of all cattle located in the counties which engulf the nonbrand inspection area of Nebraska, you would find somewhere in the neighborhood of 2,290,000 head of cattle. More than 500,000 of those are beef cows. Other sources reveal that the 11 packing plants in that area slaughter almost 6 million head of cattle annually. Also the 11 or so sales barns or auction markets sell nearly 500,000 head of cattle annually. Given those numbers, if LB 517 were to be enacted, our best estimate would indicate

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that the Nebraska Brand Committee would be required to hire and train an additional 25 full-time brand inspectors, 25 intermittent brand inspectors, promote and train 1 additional criminal investigator area supervisor, create one additional training center site in that area, including one new training instructor to help the current three training centers train new inspectors. The committee would need to hire, at a minimum, of two additional administrative office staff to cover the additional work load of managing the additional records and documents generated. Currently, the on-the-job training of a full-time brand inspector takes a minimum of one year before that employee is released to an area of his or her own to be in charge of the brand inspection requirements in that area. It would be impossible to train and relocate the aforementioned employees in one year. The transition could take as long as three or possible four years to provide complete brand inspection services to eastern Nebraska. Given the length of time it takes to train full-time brand inspectors and the expense involved in the training, as well as relocation and moving expenses, salaries, benefits, et cetera, it is estimated that initial cost to the Brand Committee and the industry the first year could exceed \$1,600,000. In consideration of the shoestring budget that the Brand Committee is managing today, due to the lower number of cattle ownership inspections and the increased costs of doing business that we all face, it would be necessary for this Legislature to appropriate General Fund monies to the Brand Committee the first year, and possibly the second year, as well. Also, it would take one year to get merely a small number of trained inspectors into place and to begin seeing a return in fee assessments. Another determining factor would be the unknown figure of exactly how many of those cattle are located in the current nonbrand inspection area will be offered for sale, slaughter, or shipment, in any given year. Just to give you an example of the difficulty in gauging those numbers, the packing plants inside the brand inspection area slaughter over 600,000 head of cattle annually. We only brand inspect for ownership at those plants, just over 600,000. This is due to a vast number of cattle being shipped into Nebraska from states that provide brand inspection, as well as cattle that may be purchased from auction markets and shipped for direct slaughter, which does not require an additional inspection by the brand committee. Having said that, in the event that

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LB 517 will move forward, I'd like to turn your attention to the drafting of this bill, and refer to you certain areas that we believe need to be considered prior to this bill moving forward. If you refer to page 5, lines 11 through 17, as drafted, LB 517 would create an additional inspection requirement on producers that are merely moving cattle from pasture to pasture, or from cornstalks to cornstalks. The purpose of the current statute is to deter persons from removing cattle from a brand inspection area or the state without first having them brand inspected for ownership. To clean up the language, I would recommend amending this section by merely striking "brand inspection area" on lines 13 and 14, and inserting the language, "state of Nebraska," leaving the remainder of the current Statute 54-1,110 as is. Also, on page 5, line 28, and page 6, lines 1 through 11, currently this section allows the Nebraska Brand Committee to issue permits to producers to remove cattle from the brand inspection area or the state without inspection for grazing purposes or for veterinary care. By striking the existing language, we would not be able to issue permits to those who border South Dakota, Colorado, Wyoming, et cetera. I would recommend merely striking the language "brand inspection area" on page 5, line 28, and on page 6, lines 6, 7, 10, and 11, and merely add in its place, "state of Nebraska." Leave all current language in this section as is. On page 6, lines 23 through 26, and page 7, lines 1 and 2, again merely strike the language, "brand inspection area," and insert "state of Nebraska." This section is necessary from a prosecution standpoint, involving those who may remove cattle from our state, shipping them to another state without first having them brand inspected for ownership. Also, on page 13, lines 19 through 28, strike "brand inspection area" and insert "state of Nebraska" in lines 20, 22, 23, 26 and 28. We have cattle within the state of Nebraska that may, after having been inspected, get intermingled, or cattle entering into or passing through the state of Nebraska from other states, that may or may not have brand inspection, and get intermingled. Said cattle may be destined for a point inside the state of Nebraska or a point outside of the state of Nebraska. One final comment. The Nebraska Brand Committee and its employees takes the duty and responsibility of protecting all Nebraska brand livestock owners from theft of livestock, very seriously, and believe in the benefits of brand inspection, brand recording, and

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theft investigations. The committee is committed to doing its part in implementation of any program that would expand those services and benefit the industry statewide. Thank you for the opportunity to give testimony this afternoon. I'd be glad to try to answer any questions you may have. I may address, if I may, the question about petitioning. Presently, all that's required is basically amending the statute which outlines the brand inspection area, which I believe is 54-175, which outlines the counties that are incorporated into the brand inspection area. As Howard County became part of the brand inspection area in 1992, merely legislation was introduced to amend that statute to include Howard County. Speaking of petition, may be in the sense that the producers in that county may go around and circulate a petition to take to their senator or to this body to have their particular county brought in. In the instance of Furnas County, from our standpoint, because they are basically surrounded on three sides by brand inspection area, it would merely require us to hire, possibly two intermittent inspectors, and wouldn't require us to put on any more full-time people because we have enough personnel in that area to probably cover it, and intermittents are paid on a per-head basis, versus a full-time salary, so there would not be a big fiscal impact on the Brand Committee to include Furnas County inside the brand inspection area.

SENATOR KREMER: Would the fees collected then cover the extra personnel that you'd need?

STEVE STANEC: I believe so, yes.

SENATOR KREMER: Okay. Any questions of Steve? Senator Fischer asked about what was it, in 1980, a repeal provision for petitioning counties in the brand area, or repealed the provision for petitioning.

STEVE STANEC: Right.

SENATOR KREMER: It says it's not required now, but if somebody would petition, have a bunch of petition signatures, then it would carry some weight that they really were wanting to do that in that county then, is that correct?

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STEVE STANEC: Right. Right. The only...it has to be a...the statute that includes those counties that are inside the brand inspection area would have to be amended to include that county.

SENATOR KREMER: But they would not have to necessarily pass a petition to do that?

STEVE STANEC: No.

SENATOR KREMER: Okay. Any questions? Thank you, Steve. I appreciate your coming. Any other person liking to testify in a neutral position? Seeing none, Senator Baker waived closing, so that will close the hearing on LB 517. And we will open the hearing on LB 673, and I guess I'd like to see somehow indication if we're getting through out there in Chadron at the college with the satellite hookup. I understand there's no lead person out there, so we're going to kind of have to play this by ear. Could somebody out there indicate whether you're hearing us?

MALE VIA VIDEO IN CHADRON: We are (inaudible) to hear you.

SENATOR KREMER: Okay. What we're going to...the procedure we're going to take here is that Senator Loudon will introduce the bill, and we will ask for two proponents from Lincoln and then we'll ask for two proponents from out at Chadron. If you would come forward and be all ready. Please state your name. We would ask, I guess...maybe to fax in your sign-in sheets. And I don't know, Jessica, have we gotten any from out there?

JESSICA SHELburn: David just went to go and check.

SENATOR KREMER: Okay. And if you haven't filled out a sign-in sheet, please fill it out and you can fax that in to us. And as I said here, I don't know if you heard it or not, please state your name and spell it so that our transcribers will know who is testifying. Please speak up clearly. I know there's a little lag time, and so it's a little bit difficult, but first of all we'll then have Senator Loudon come and introduce LB 673.

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SENATOR LOUDEN: (Exhibit 2) I have some handouts here for the... Good afternoon, Senator Kremer and members of the Agriculture Committee. My name is LeRoy Louden and I represent the 49th Legislative District. The last name is spelled L-o-u-d-e-n. I first want to thank you for the live hookup to Chadron, and the Chadron State College. I appreciate the use of the Scottsbluff Room at the Student Center and I'd also like to thank Dr. Krepel and the Chadron State College staff who made this available. I'm introducing LB 673, a bill to manage black-tailed prairie dogs in Nebraska. Two critical events have led me to introduce this bill: a prolonged severe drought and the absence of colony management for several years. Management ended when the black-tailed prairie dog was placed on the candidate list for being named an endangered species. The U.S. Fish and Wildlife Service concluded last year that the species in its habitat were not threatened and therefore should not be placed on the endangered list. At the same time that the species was being considered, drought hit the western United States. Lack of management combined with drought, created overpopulation of the species and we now have a crisis. When an area becomes overpopulated with black-tailed prairie dogs, the vitality of the grassland ecosystem is jeopardized. During years of drought, a habitat can no longer support the population of a colony, and the species resorts to any means to survive. Not only do they eat all the vegetation, they also eat plants' roots systems. In worst case circumstances, they will cannibalize their young, which they have done in western Nebraska. The devastation of all plant life in an area compromises water quality when precipitation does fall. Without vegetation, water will cause silt and debris to enter streams of degrading water quality. The black-tailed prairie dog creates colonies that alter topography and vegetation and may extend over hundreds of acres. Black-tailed prairie dogs burrowing, foraging, and clipping of vegetation effects soils, water transport, and plants. Grassland ecosystems in traditional areas used for wildlife habitat, be it recreation and grazing, may be destroyed if black-tailed prairie dog colonies are not managed. A management plan for black-tailed prairie dogs would address these problems and control them before they create the disastrous situation we now have in areas of northwest Nebraska. There are some concerns from the counties and

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some private landowners about provisions within the green copy of the bill, and I will be happy to work with the Agriculture Committee and any other interested parties to resolve the concerns. LB 673 acknowledges that colonies host and attract other species that should be protected. The bill is not an extermination plan. No one wants to eradicate all black-tailed prairie dogs. People who work with grassland agriculture know that the ecosystem has to be kept in balance, and that is what I want to accomplish through LB 673. With correct monitoring, the ecosystem can be maintained for the benefit of all--the black-tailed prairie dog, the other species that it hosts and attracts, and grazing animals, and agriculture. With that, I'll be happy to answer any questions.

SENATOR KREMER: Any questions for Senator Loudon? Seeing none, thank you. We will now take two proponents, one at a time, of course, from Lincoln, and then we will move out to Chadron and have two proponents from there. So could we ask the first proponent to come forth. Please...if there's another proponent, please be ready and have your sign-in sheet filled out and we'll go as quickly as we can. Thank you. Welcome.

MICHAEL KELSEY: Senator Kremer and members of the Agriculture Committee, my name is Michael Kelsey; that is K-e-l-s-e-y. I'm currently serving as the executive vice president of the Nebraska Cattlemen. I'm here on behalf of the Nebraska Cattlemen to testify in support of LB 673, and want to begin by thanking Senator Loudon for his work on this very important piece of legislation, as well as his agreement to cooperate both before this hearing, as well as afterwards, and some concerns that we have with not only black-tailed prairie dog management, but also with LB 673 itself. I think, quite frankly, Senator Loudon did an excellent job in outlining what the bill does and its intentions. Certainly, it provides guidance and direction for controlling black-tailed prairie dogs in situations where they have gotten overpopulated and become a detriment to themselves in terms of, as he indicated, cannibalization and such, as well as to the land. LB 673 provides a management plan to effectively and efficiently manage prairie dogs in situations where, at least in our case, where cattlemen are being hindered by an overpopulation of this pest. Why is LB 673 needed? Basically, again,

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Nebraska has no formal black-tailed prairie dog management plan. Extended drought conditions, as Senator Loudon mentioned, have increased prairie dog colonies in terms of their expansion, as well as their movement, resulting in unwanted colonization of lands across the state of Nebraska, and specifically in certain regions. As Senator Loudon outlined, prairie dog damage, damages range conditions. They are also known vectors for diseases. Certainly overpopulation is bad, and I've equated it, if you will, to overpopulation of deer. We need to control deer in some situations where insurance is needed in terms of car wrecks, and so forth. Deer can get out of control; prairie dogs are the same in that sense, as well. Currently, state agencies estimate that there are 1,842,000 acres in this country occupied by black-tailed prairie dogs. Certainly, no shortage of these critters, to say the least. Again, we are anxious to work with Senator Loudon with this bill and with some specifics within the language, and we look forward to doing that with him. I would be happy to answer any questions, or attempt to, at this time.

SENATOR KREMER: (Exhibit 3) Thank you. Do you have any questions? We've got a real quiet bunch up here today, so I don't know. Seeing none, thank you very much. Next proponent. And if someone is coming, I do have a letter to read in to the record, of support from Robert Shockley on LB 673. Anyone else wishing to testify as a proponent? Then we will go out to Chadron and ask for the first proponent to please come and testify.

THORPE THOMPSON (via video): Thank you, Senator Kremer and members of the Agriculture Committee. Can you hear us fine?

SENATOR KREMER: We can hear you fine here.

THORPE THOMPSON: Great. I'm Thorpe Thompson. I'm a rancher from Whitney, Nebraska; T-h-o-m-p-s-o-n. I'm currently serving as the president of Dawes County Farm Bureau. I'm testifying today on behalf of the Nebraska Farm Bureau to offer your coordination and conceptual support for LB 673. I'd like to start by thanking Senator Loudon, my senator, for introducing this very important bill. If you've ever had the opportunity to see a piece of land where prairie dogs have not been managed properly, then you've seen a pretty good idea of the physical and financial damage

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that they can cause to a ranching operation. That's why our policy supports prairie dog management and programs to help landowners control the spread of the species on their land and onto neighboring property. Earlier I said we were conceptually supportive of the bill, and I'd like to explain that. We appreciate the issues Senator Loudon is trying to address, and we believe there are good intentions here not to eliminate the prairie dogs, as some have said this bill will do, but also, instead, address a bigger issue of ensuring that those who want prairie dogs on their property, manage them in a way that they don't become a problem for their neighbors. We have seen this happen to landowners who have property along Forest Service land and in my area over the last several years. Because of an ongoing discussion about the Fish and Wildlife Service potentially listing them on the endangered species, we would like to think there is a nonissue in not only that situation, but in a much broader sense of managing species statewide. Having said that, we do have a number of concerns with the bill as drafted, including the one-mile and half-mile buffer zones for those prairie dog populations, which is pretty broad. The bill doesn't specify if those distances apply beyond an individual's property lines, and we're not sure whether or not those distances were appropriate. We have a number of other issues with the bill that stem predominantly from the fact that the bill is based off the provisions, including the Noxious Weed Act, and because prairie dogs are different in terms of movement across the property lines than noxious weeds. We think there are a lot of ways we address noxious weeds, like items such as access to private property control, penalties for failure to control, and so forth, are the ones that need to be handled differently when it comes to prairie dogs, because they are (inaudible) upon a different animal. We do like the idea of having funds through the Department of Ag's Animal Damage Control cash fund to help landowners with prairie dog management, and we think that's an important part of the solution to the issue. We know our staff in Lincoln is committed to working with Senator Loudon in addressing these concerns. We are more than interested in working with committees to further develop the bill into something we think the members might feel more comfortable with. And more on a personal note, the economic impact that this can have if a management plan isn't taken is not only on a personal level with ranchers but on a community level, the impact that it's going to have

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in the towns. If you've seen some of the counties, some of the towns in our area, they have completely taken over ranches, and that's less revenue coming into a community. Thank you.

SENATOR KREMER: Thank you, Mr. Thomas. Did you say you are representing the county farm bureau or the state farm bureau?

THORPE THOMPSON: Both.

SENATOR KREMER: Okay. Any questions for Mr. Thomas?

THORPE THOMPSON: Thompson, T-h-o-m-p-s-o-n.

SENATOR KREMER: Okay. I'm sorry.

THORPE THOMPSON: Thank you.

SENATOR KREMER: Okay. I see no questions from here, so thank you for your testimony. And we're ready for the next proponent?

GARY FISHER: (via video) I would like to also thank Senator Louden for introducing this bill, and I would like to thank you senators for making it available to us out here in Dawes County, and in western Nebraska. And this is Gary Fisher, F-i-s-h-e-r, and I'll read a statement here. As a county commissioner and a representative of Dawes County, I would like to impress upon the committee the importance of LB 673. As a commissioner, I'm responsible for protecting the customs, cultures, and economics, as well as the welfare of the health, safety, and welfare of the citizens of this county. The rapid expansion and migration of prairie dogs the last few years due to the drought and negligence on behalf of many private, state, and federal landowners, has become a major concern. The Nebraska Game and Parks Commission has estimated that in 2000, there were 60,000 acres of prairie dogs in the Panhandle. In 2003, their estimate was 137,000 acres--more than doubling their numbers in three years. And with these dry years that we do have, you can see in excess of 25 percent increase per year. The authority is needed at a county level to manage this threat. Prairie dogs drastically reduce, and in some cases eliminate the caring capacity for livestock, thus reducing

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the owner's income and ability to support the local economy and pay their property taxes. Some of these lands are so degraded that they violate the Clean Water Act. Landowners may justify it by asking the Board of Equalization for a valuation reduction on the degradation of their property due to the population of prairie dogs. This could also result in a loss to the tax base, thus effecting the county, the economics of the county, as well as the entire state. Prairie dogs are primarily and historically found in the western portion of the state. Some landowners naturally take responsibility to manage the animals on their property and contribute their own time and money in this effort. Our biggest need is to be able to hold all landowners accountable for the containment and the management of these prairie dogs. This bill is a first step toward that goal. We therefore would encourage you, as a committee and as legislators, to endorse and support this bill.

SENATOR KREMER: Thank you, Mr. Fisher. Anyone on the committee have a question? Have you seen an increase of prairie dogs or stable numbers or a decrease in any areas, or what's the situation out there?

GARY FISHER: In the northern part of the Panhandle, there's been a dramatic increase in the last three to four years, as I stated earlier, going from like 60,000 acres in 2000, to in excess of 137,000 acres in 2003. And I used to think that probably they was not to be included in the Sandhills, but a week ago I come back through the Sandhills, north of Hyannis, and I was talking to the ranchers 30 miles north of Hyannis in the deep Sandhills, and they're also concerned with them because, one fellow said in the draw west of us here, we've got a town of two miles of them. Another place, one guy said the neighbor down there has 80 acres of them. And I think the biggest concern is Ted Turner's plan to introduce prairie dogs into this country.

SENATOR KREMER: What all is involved in controlling the prairie dogs? Is there...what's the cost, I should say, and how involved...do the landowner's get involved? Do they do a lot of it, or what's your involvement in it right now?

GARY FISHER: I think that's part of our concern. There's some landowners that take their responsibility as a landowner very seriously and contribute large amounts of

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their time and money into it. But it's really a defeating purpose when their neighbors do not. I think, as a good neighbor policy, everybody should be active in the control of them. It could cost all in the neighborhood of \$10 to \$14 an acre to control prairie dogs. And if you're doing your job, you're putting a considerable amount of money in, and like I previously stated, it doesn't do a lot of good if your neighbors don't do their share.

SENATOR KREMER: Okay. Any other questions for Mr. Fisher? Seeing none, thank you for your testimony. Is there anyone else out there that would like to testify as a proponent? I don't see any from here, is that correct? Let me see a show of hands out there of anyone else that would like to speak as a proponent? One, is that right? Okay, go ahead; we're ready. Two? Did I see another hand? Two. Okay, go ahead. We're ready for the next proponent.

KEITH ZIMMERMAN: (via video) Keith Zimmerman, chairman of the Sioux County Board of Commissioners. Dear sirs, the Sioux County Board of Commissioners respectfully offers their support for LB 673.

SENATOR KREMER: Could you spell your name, please?

KEITH ZIMMERMAN: K-e-i-t-h Z-i-m-m-e-r-m-a-n.

SENATOR KREMER: Okay, speak into the microphone. It's a little bit hard to hear you, but then you can go right ahead. We're ready for you.

KEITH ZIMMERMAN: Dear sirs, the Sioux County Board of Commissioners respectfully offers its support for LB 673, sponsored by Senator LeRoy Loudon, with regard to prairie dog management. Prairie dogs have become an increasing threat to the economic, as well as the residents of Sioux County. The black-tailed prairie dog population explosion has rendered private properties in our county, nonproductive. Such economical impact on landowners and producers can foresee it will cause significant economic impact at the county level. Private property owners face an inability to pay real estate taxes on property that is rendered nonproductive by black-tailed prairie dogs. The Sioux County Board of Commissioners do not find LB 673 to be fiscally threatening, and it is proposed in such a fashion,

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making the landowners ultimately responsible for payment of the control of the black-tailed prairie dog. Any cost to the county in the initial phases should be minimal. The Sioux County Board of Commissioners considers LB 673 a good first step in the control of black-tailed prairie dogs in the state of Nebraska.

SENATOR KREMER: Thank you, Keith. Do we have any questions from anyone on the committee here? Seeing none, thank you for your testimony, and we're ready for the next proponent.

JAKE WASSERBURGER: (via video) My name is Jake Wasserburger. I'm a rancher that owns land in both Sioux and Dawes County.

SENATOR KREMER: Please spell your name.

JAKE WASSERBURGER: My name is Jake Wasserburger, J-a-k-e, last name, W-a-s-s-e-r-b-u-r-g-e-r. I'm a long-time resident of both Sioux and Dawes County. I own property in both counties. In the last few years we have seen a very drastic increase of the prairie dog colonies along side of our property. And the biggest problem is management of the numbers. We can't manage big towns. When you see an expansion rate of 25 percent of a town size, you take a 1,000 acre town, you're looking at 250 acres just across your fence line. And it's just almost impossible to try and keep up with these. I'm very much in support of LB 673 because it does help to manage the dogs that are across on your neighbor's property lines, which are causing the problem. I'm not sure that I need to try and control my neighbor's dogs as long as I've got to control my own dogs. It's just impossible to keep up with them. I would like to...I sent you an e-mail on a comment that I sent the U.S. Forest Service, which addresses a lot of these issues. I hope you have seen it. I would like to thank Senator Loudon for introducing this bill, and all the senators that are in support of it. I'll leave it at that.

SENATOR KREMER: Thank you, Jake. Does anyone here have a question? I see no questions here. And I'll just remind you, again, to please fill out the sign-in sheets there, and hopefully somebody will fax them in to us and we need to put that in the record that you've testified as a proponent. So at this time we're ready for the next proponent. Do we have

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some more out there as a proponent?

JOE NUNN: (via video) My name is Joe R. Nunn.

SENATOR KREMER: Okay. We aren't hearing you very well.

JOE NUNN: (via video) My name is Joe R. Nunn, N-u-n-n. I'm a rancher in Sioux County, and I'm representing the Running Water Ranching Coalition, which is a group of ranchers that have formed to protect and improve the environment and the economy of Sioux County, as well as Dawes and Sheridan County and part of Box Butte County. Agriculture is a valuable part of Nebraska's economy, and we as members of the Running Water Ranching Coalition work to safeguard and promote the traditions and viability of agriculture, specifically ranching, to western Nebraska. To this purpose, we support LB 673, regarding the management of the black-tailed prairie dog. We recognize the prairie dog's role in the ecosystem, and therefore support this bill that calls for, not the extermination of the prairie dog, but the wise management of it. While the prairie dogs do fill a niche in the ecosystem, they do so at the price of erosion by both wind and water, from removing the plant cover and digging the holes, decreasing the water quality from dirt carried and run-off and reduced economic viability of the land. From the property rights standpoint, this bill serves to allow landowners to host this species, if they choose, and to protect those who do not want the animals on their property. The money included in this bill to control this and other problem species is not meant to be the sole funding source for any animal damage control. We, as landowners, take on a large responsibility in owning the land and the animals on it. We contribute time and money of our own to fight the problems that arise on our property and still maintain a balanced ecosystem. We are more concerned with creating the necessary board structure to oversee and enforce property rights in relation to prairie dogs. We believe that the county level is the most efficient setting for such a board, since it allows each county to deal with the problems, as necessary. Counties that do not have prairie dogs, need not concern themselves with the problem, leaving the solution up to those who have a vested interest in the health of the environment impacted by the prairie dogs. I hope you take these points into consideration as you decide your vote, and we know that we,

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the landowners, who are most impacted by this species, encourage you to support this bill. And I'd like to thank Senator Louden for his efforts in the introduction of this bill.

SENATOR KREMER: Thank you, Joe. Does anyone have a question for Joe? Seeing no questions, thank you, Joe. I think at this time we'll see if there are, are there any other proponents in Lincoln? Seeing none, is there anyone else wishing to testify as a proponent in Chadron? Okay.

LEE GARRETT: (via video) Yes. My name is Lee Garrett, G-a-r-r-e-t-t. We've got prairie dogs, they're just getting, in the last four years we've probably gone up a third to a half, and they're just taking over. We've poisoned, done everything we can, and they just keep getting...the numbers keep growing. Farmers are losing more every year, and I don't know the answer, but we've got to do something. We need help from somebody. That's all I have to say.

SENATOR KREMER: Thank you, Mr. Garrett. Any questions? Seeing none, thank you. How many more proponents do we have in Chadron? I see one hand anyway. Okay, go ahead, next proponent. We've probably have another 10 minutes, or so, and then we'd like to go to the opponents, so go right ahead.

JOE FALKENBURG: (via video) I'm Joe Falkenburg, J-o-e, Falkenburg, F-a-l-k-e-n-b-u-r-g. I've a ranch on both sides of Nebraska and South Dakota. South Dakota is currently developing legislation similar to this, and that Senator Louden has done. I think it's a wonderful thing for those of us who are suffering through this, and some other people really don't understand the problems associated with it. Since the time of Lewis and Clark, there have been lots of prairie dogs. If you would read the history of that, Lewis and Clark was so devastated when they crossed some of these large towns, they had to cut down the willows to feed their horses because of no vegetation growing. So this would give you an idea how prairie dogs can devastate the land. Think if you live in a town and you had an invasion of rats that covered your whole city, along with the danger of plague, what it would be like for you to live in an area such as this, and if you wouldn't be pretty concerned about what you

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could do to solve the problem. I think one thing you have to realize is these prairie dogs develop in a town. They eat everything there is in that town, and when it's dry, like it is now, devastated by drought, they continue to move. They eat that area out, move on, and then your whole area finally becomes one of devastation and loss. The land where once it was productive, and if they think that you can leave that and the prairie dogs won't bother it, take a look at some of the prestigious parts, like Wind Caves in South Dakota; nothing is left except for a few weeds. We find miles, then, of ranch that is left only with weeds, erosion, and lost production. When the land can't produce, we have to realize not only is the production gone, but the ability to pay taxes are gone, and soil and water erosion becomes extremely important. The biggest problem that we see, not only is from the loss of income, but it's from ranchers who won't control prairie dogs, so legislation similar to this that's being introduced is extremely important. At the current time, if we have no help from this, the only people who are interested if land is sold, is government entities or nonprofit entities such as Nature Conservancy or the Forest Service, who originally liked these individuals and enjoyed the prairie dogs on them. I think we need to thank both of our commissioner groups and Senator Loudon for taking a lead in this, and both states right now we hope then can work together and develop some legislation, since it is a terrible problem in both South Dakota and Nebraska. We thank you for your time, and it's great that you let us have this testimony. Thank you.

SENATOR KREMER: Thank you, for your testimony. Any questions? Seeing none, we're ready for the next proponent. Are there any more proponents in Chadron? One more. Go ahead.

GARY FISHER: (via video) Yes, this is Gary Fisher again, F-i-s-h-e-r, and I'm appearing here on behalf of the Northwest Nebraska High Country, a group formed to promote agritourism in western Nebraska. I ask you to support LB 673. Northwest Nebraska High Country was formed several years ago to provide support for diversified agritourism business in this area, and to encourage others to diversify farming and ranching operations by tapping this niche. Our membership includes approximately 25 members from Dawes County, Sioux County, Sheridan County, and Morrill County.

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All of the members of this organization are landowners that have a vested interest in the management of the species, such as prairie dogs, which can be detrimental to good stewardship of the land. We recognize the prairie dogs may be an attraction to some tourists, making our business more profitable, however it should be up to each landowner to decide if he wants the prairie dogs on his property and should be responsible for them. This bill supports the landowner's right to make that decision, so that regulation occurs only when the prairie dog encroachments on somebody else's property. LB 673 provides the utmost freedom of management while protecting the interests of others. Thank you.

SENATOR KREMER: Thank you, Gary. Any questions from the committee? Seeing none, do we have one more testimony as a proponent? Then I think we'll go to opponents. Is there one more? It's a little hard to see. I don't see anyone else, so. Do we have one more?

EMIEL RABEN: (via video) Yes. Emiel Raben, R-a-b-e-n. I ranch in northern Sioux County. And I would like to thank LeRoy Loudon for sponsoring this bill. And I'd like to try and allay any misgivings people might have about this bill, in the fact that they believe it to be an extermination of prairie dogs. It is not; it is just a management tool. As it has been stated before, the U.S. Fish and Wildlife Service, in their record of decision, has said that the state of Nebraska owns these and is responsible for a management plan. It would therefore follow that if these prairie dogs belonging to the state of Nebraska are getting out of hand, which they are, and are causing problems between landowners, there is no recourse between landowners to address their problems. One landowner or one property owner can just literally say, they belong to the state of Nebraska, go talk to them. So before that happens, that is actually what we are doing. We want a prairie dog management plan that will address our problems and protect our property, our property rights, and our health and well-being. Thank you.

SENATOR KREMER: Thank you for your testimony. Do we have any questions? I see no other questions here. We had mentioned one more. I don't know if there's anyone else out there who is an opponent or not? It's a little hard to see

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your hands. I see none, so at this time we will go to opponents and ask for anyone wishing to testify as an opponent here in Lincoln, and then we will switch back out to Chadron after we have two here.

LARRY DIX: (Exhibit 4) Good afternoon, Senator Kremer and members of the Agriculture Committee. My name is Larry Dix, D-i-x. I am representing the Nebraska Association of County Officials. Certainly, as county officials and as you've heard from a couple of board members, the prairie dogs are certainly a problem; there is no doubting that. We know that. We certainly thank, Senator Louden for bringing the bill forward, from a point of view that we know that that's something that needs to be addressed. In the last week, we had a number of district meetings out in the west part of the state, and those district meetings were attended probably by about 25 or 30 counties. And I've got to tell you, I know that we've got some county board members on record of supporting this, even though those meetings were held in the Panhandle in what we call the west-central district, which is everything west of Lexington, there are a number of county board members that do not support LB 673. And NACO is in a position of not supporting it. I do have a set of letters here from the Sheridan County board in opposition to LB 673 that I'd like to introduce into the record. We appreciate Senator Louden taking a look at this, and looking at it from the point of view that it impacts only counties that have prairie dogs. The question sort of begs itself, where does that line, where do we cut off, where do we go to a situation where we have counties that do not have prairie dogs? There have been indications and speaking to county board members across the state as far east as York County. It's our understanding that there are prairie dogs in those counties. Some people may say, well, but they're not a problem. But as we heard today with the animal, it probably is not long before they become a problem. A number of counties in the Panhandle and the west-central district are currently under contract with USDA to put together a management plan, so it isn't as if counties are not, county boards are not doing anything. Right now there are a number of counties that are under contract to help control the population, if you do. I don't know that you really ever, ever really, really manage such an animal. One of the things that I'd like to point out and sort of go through a little bit of the bill and show you

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some of the areas that we certainly have some concerns over. Starting on page 2, we're talking about that county boards are responsible for monitoring the vitality of the grassland, ecosystem, and the species' health and viability. Certainly, I would call into question, not that I would ever question the knowledge of county board members, but I would say that I'm not sure that county board members are qualified nor have the training to actually understand the species' health and viability. That's something I think that it would be left up to professionals, and that's why we believe some of this area, while it puts the burden on the back of the county board, there's probably some other agencies that may be better equipped to take care of that. As I go to page 3 in the green copy, again I ask how many counties that are impacted by that. We're not sure how many that is. When we move across to page 5, it will become the responsibility, on page 5, Section 2, I guess 2 (a), it will come, the responsibility of the county boards to monitor and shall determine when and how to monitor the size of each colony. Now as you can imagine, the size of these colonies probably is pretty substantial. These are located back in some of the areas of ranches, many, many miles off the roads. I sort of question the amount of money that it may take. This is something that the county cannot pass along to the landowner, under my understanding of it, but they still have to determine how to monitor the size and the size of each colony. The other thing that I do see in the bill that I think some of the landowners may have some difficulty with; maybe, maybe not. But again, on page 5, in Section 3, it says that the county boards, without consent of the person owning or controlling such land and without being subject to any action for trespass or damages, including damages or destruction of growing crops. That leaves quite a little bit of authority to a county or to whoever they authorize to go into a property to manage the prairie dogs. So that's one thing that we would question there. That gives quite a little bit of authority to the county boards. I'm not saying that we wouldn't want that. There are a couple of notices, official notices. One I point out on page 8. There is subjective there, on line 17, that says, as specified above, has not been brought under management. That is probably something that is going to be called into question as to when a county board can determine when something was...when a landowner actually brings it under management. When do you really, really determine that. And

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it may be a little bit difficult to determine, but yet, along with it, it accompanies a fine if they have not brought that under management. There's also provisions in the bill for special assessment, to put liens on the properties. The county treasurer also needs to add that to the tax statement. In some of those counties that may not currently have special assessment software, there's going to be an additional cost to those counties to provide that piece of software to add to their program, so that's something that I think we need to look at. On page 11, where we talk about the county shall ascertain and tabulate each year the approximate number of acres. One of the questions that some of our board members brought up, once we are placing this burden on county boards, we know that there's going to be some additional expense. We know that some of the counties that currently have prairie dogs in them are at the levy limit. And so is this something that...does this cost fall under the lid or is this something that can be moved outside the lid to help the counties out that are currently at their levy limit. Because certainly if this is something that they have to do, we're going to see some other services drop off in other areas, because when those counties are at the lid, they have really no where to go with this. On Section 9, it talks about land owned by a state, state agency, a commission board, political subdivision, and there may be some areas out there that have federal land. There's no reference here to federal land in the bill that we may want to look at. In Section 11, if any person is dissatisfied with the amount of cost or fines. I would have to tell you every person will probably be dissatisfied with the cost and/or the fine. There probably isn't any question that nobody is going to be happy when they're fined; nobody's going to be happy when they receive a charge on this one. It talks about filing a protest with the county board, which is fine. Then it says that the county board shall have a hearing to determine whether the charges were appropriate. We would like to know for sure how long they have to hold the hearing, what is the time frame in there before the hearing has to be held. Then also a couple final remarks. On page 13, we noticed and we appreciate that there's \$100,000 that is made available. That \$100,000 goes to the administrator of the Department of Ag. That money does not go to the counties, so the counties, any way you look at this, it's going to cost the counties some money to bring this one forward. There isn't

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any question about it that there is a problem. I don't think anybody denies it. We certainly are more than welcome and willing to work with Senator Louden, and determine some of the issues that I brought forward. We just believe that county boards probably are not the specialists in animal control. We don't really believe that that may be the right area to really put under a county board. I think earlier it was brought up, something about the deer population. Is that something that, the next thing that we're going to move county boards for, and look for them to control the deer population. Those are some things, some issues, certainly some concerns that we have with the bill. With that, I'll stop. I've got a few others, but we'll leave that. I'll be happy to answer any questions you may have.

SENATOR KREMER: Any questions for Mr. Dix? So basically your problem is that there's too many areas in here, that you just don't know exactly how it would work and who's going to fund it; I mean as far as controlling and everything else, you have no problem with that. It's just the county commissioners...

LARRY DIX: Well, we have no problem understanding that there is a problem. There isn't any question there is a problem. But this could almost go into the area of unfunded mandates. There is absolutely no money allocated to counties to assist in this program and to get it started. And I've got to tell you, the county boards, in general, probably do not have the experience to talk and understand the ecosystem and the quality of life of those animals. I just don't think that may be the proper area to put that authority into. We really have a pretty distinct problem with moving it in that area.

SENATOR KREMER: Okay. Thank you, Larry. Any questions? Seeing no questions, next opponent here in Lincoln. And then we will move to a couple opponents in Chadron if there are some. So if there is someone that would like to testify as an opponent in Chadron, please be ready. Maybe we don't have any more here. Anyone else...okay. Come forward and right away; we don't want to... Okay, we have no opponents? Please be up here in front and have your sign-in sheet ready. Try to keep your testimony concise, if you can.

MICHAEL JACOBSON: Five minutes?

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SENATOR KREMER: Well, we'll give you five maybe; if you can do it in three, we'd be happier.

MICHAEL JACOBSON: (Exhibit 5) Okay. Here's my sheet. I have some copies of an article that was written in the Lincoln Star.

SENATOR KREMER: Please state your name and spell it first before you get started.

MICHAEL JACOBSON: Oh, yeah. My name is Michael Jacobson, J-a-c-o-b-s-o-n. I'm a third generation farmer and rancher with a BA in chemistry from Chadron State College. I'm from Gordon, Nebraska, which is 400 miles west of here. And this article shows...it came out of the Lincoln Star on the February 17, and it shows, pretty well, what prairie dogs do and what they've done up there. I appear before you today adamantly opposed to LB 673, the Prairie Dog Management Act. My father, in 1983, inherited land from his older sister that lies close to Batesland, South Dakota, that is next to the Oglala Sioux Indian Reservation. On this very good land was a medium-sized prairie dog town. My aunt and uncle had tried for years to eradicate the prairie dogs, with no success. We immediately had the government poison the dogs with free oats, followed by poison oats. This method killed the dog town by a large amount, but their numbers were back up to prepoisoning within a year's time. Since then, we have gassed them, gassed the prairie dogs, time and time again, only to see them breed right back to the original numbers, with an additional ground lost to the prairie dogs. Based on our experience, the prairie dog town, once it gets established, it is almost impossible to eradicate them. If you can exterminate the dogs at the first sign of a new town, prairie dog town, then you will have a chance to stop the flow of the breeding prairie dogs that will occur over a very short period of time. The birth rate for a prairie dog is unmatched. The prairie dog town destroys the grazing. They keep the grass nubbed off at the dirt level in between their holes that are mounded up over 12 inches high around their holes. They have to keep their line of sight clear for the protection against the abundance of coyotes and rattlesnakes that go hand-in-hand with the prairie dog town. A few years ago, my brother and I were rounding up cattle, and as we were coming across the prairie dog town with

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approximately 100 head of cows and calves, his horse blew up and took off in a runaway across the dog town, with all of its holes. He was very lucky to get his horse under control before his horse and himself were hurt, and I'm sure him being 6-foot 6, and 270 pounds helped. Today, we use four-wheelers, which are at a great risk of being flipped over by the prairie dog holes. A prairie dog town is very dangerous to cattle breaking legs, in addition to people that have to work cattle. If you are lucky enough to get the prairie dogs exterminated, the ground will be so rough that plowing will probably be mandated to try to return it back to its natural state. And in relation to the bill, I object and have a problem with page 2, line 14 through 16, which says, manage means to limit the growth or spread of black-tailed prairie dog colonies and monitor resident species for health and viability. I read this part of the statute to read that you cannot exterminate the prairie dog from your land, which violates the United States Constitution property rights. I don't know how else you can read that part of the statute. I wouldn't have a problem with any of this bill if it said in there that you have the right to eradicate these dogs. I'm in full agreement with page 3, line 4-10, especially where it says at the bottom there, "and grazing may be destroyed if black-tailed prairie dog colonies are not managed." I object to page 3, lines 11 through 15, as not being based on scientific facts. It's self-serving propaganda, and I think it's dangerous. And I don't quite understand how the bill can go from being destroying the habitat, and then in the next sentence they talk about how the prairie dog is good for the water quality and good for the grassland ecosystems, and for animal grazing. I object to page 5, lines 4 through 12, where it is the duty of the county to take over, essentially private ownership of the land, and dictates to us what we can do, how we do it, and when we do it. I object to...also on page 5, I object to lines 18 through 26, where it gives the county the right to come in and trespass, doesn't have to get your permission, and they're not responsible for any damages to the crops or whatever you have. Also, I object to page 6, lines 14 through 18, where it says that they don't have to give you notice; this bill does not require notice of assessment and conversion to a tax, which violates the United States Constitution guaranteed due process rights. Webster's Dictionary defines a prairie dog as a burrowing rodent. Without the right to eradicate the

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prairie dog, you will be forcing ranchers and farmers to endanger their own lives, working with poisonous materials, year after year, to try to manage according to some government official's dictation. I respectfully request that you vote "no" on this bill, as it stands. Any questions?

SENATOR KREMER: Thank you, Michael. So you think the bill just does not go far enough. You think we should be able to...

MICHAEL JACOBSON: Well, exactly...what I'm trying...the point I'm trying to get across here is, there is no in-between point. You either get rid of them or you're going to have them. And we have fought this town in South Dakota for 25 years. Years ago, when I was a kid, before they outlawed DDT, we had a pretty good-sized dog town north of Rushville, Nebraska, and we were able to eradicate them with DDT, but we've tried everything that we've known, and we've tried hard, and we can't get rid of them. So if you get...if you have a pocket of them show up on your land, then they're going to spread; that's all there is to it. And you've got to get them when the first two show up. And we have land in South Dakota, north of Rushville, south of Rushville; it's 50 miles between some of our pastures. Everybody I know up there fights the prairie dogs. If they come, they fight them. They don't need the government to tell them that they need to get rid of them, because they're terrible on the land and they're dangerous.

SENATOR KREMER: Okay, thank you, Michael. Any questions?

MICHAEL JACOBSON: Thank you very much.

SENATOR KREMER: Thank you for your testimony. We will switch to Chadron. Is there anyone out there liking to testify as an opponent? I see none. If there is somebody, please indicate. Okay, we will take any other opponents here in Lincoln. Seeing none, is anyone like to testify in a neutral position? How many other neutral position testifiers do we have here in Lincoln? Anyone else want to speak? This will be the last testifier then for today. Okay. If there's anyone liking to testify in a neutral position in Chadron, then be ready whenever we conclude this

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one.

BUFFALO BRUCE: Good afternoon, Senator Kremer and committee members. I am Buffalo Bruce from Chadron, Nebraska; that's B-r-u-c-e. And I have a little PowerPoint presentation. I flew (inaudible) over two million acres this last summer, identifying acreages of different wildlife habitat, including prairie dog systems, and I have a little PowerPoint along with this.

SENATOR KREMER: Okay. How long is it? Very short?

BUFFALO BRUCE: Less than two minutes.

SENATOR KREMER: Oh, that will be okay.

BUFFALO BRUCE: It takes a couple of minutes to boot up.

SENATOR KREMER: Okay. You came clear down from Chadron when you could have even stayed at Chadron?

BUFFALO BRUCE: A couple of days ago I just came in from D.C.

SENATOR KREMER: Okay.

SENATOR WEHRBEIN: Are you with someone?

BUFFALO BRUCE: Oh. With Western Nebraska Resources Council.

SENATOR KREMER: Okay, thank you. Hopefully, you in Chadron can see this screen. I don't know if it's going to get focused in okay or not.

BUFFALO BRUCE: It will brighten up.

SENATOR KREMER: Okay.

BUFFALO BRUCE: All right. This is just a statement from E.O. Wilson, researcher, on what we've come to recognize that killing ecosystems off is, and biodiversity is much more consequential to humanity than all of present day global warming, ozone depletion, and pollution combined. Basically, it says that global warming is a by-product of

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biodiversity lost, and this is something that's been...I teach in the school systems, and this is what's being taught. Ecosystems are pretty important.

SENATOR KREMER: Try to speak into the mike, so they can hear you in Chadron.

BUFFALO BRUCE: Okay. All right. Just a real short sequence here about...I started a program about 15 years ago, helped to start it, on planting trees at Fort Robinson. And took some students out from Lincoln, and one of them jumped over a gully where we were planting trees, and he saw this thing, and it moved, and he said, wow, what kind of cactus is that? He had never seen a porcupine before. We had a problem though because the only green things around were the green young trees we were planting. So went down and had lunch at the Fort, and the local ranger said, we'll have to kill them, and I said, no, we can't kill them because there's so many areas totally devoid of porcupines. And so after lunch we came back, chased it around...I had never tried this before...got it in a slope and slid it into this garbage can, and to him, the porky who was safe in a hole with his quills up so he didn't move, which was a relief; took him a few miles east and released him. He was happy. And it was a good experience for the kids. And most of all, the forest benefited from it. This is the result of an area where porcupines have been killed off. You get lots of...there are thousands of acres within the Pine Ridge now where the porcupines are...devoid of porcupines. The job of the porcupine is they are a natural tree thinner. They'll select this tree and strip it, and then this one, and maybe this one. They are so important to the area that I can easily say that this forest would not be in existence or could not be without porcupines. And that's just a little short story on the importance of the circle, and how everything is related to anything else. You can take any creature on any natural system, and make a story like that. That's how important, because every living being is both a prey and a predator. Eradicate one, you have too many of the other. This is what's happened. Economics plays into it quite heavily. Economic value of wild ecosystems left intact, as opposed to converting these areas to roads, housing, or cropland for human use, is more than a 100 to 1 in favor of conservation. We've known for many, many years, that wildlands and lands left natural are worth so much more

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for our benefits, economically, than tearing them apart. We didn't know to what extent until they've been accumulating this information for years and years. The tsunami is an excellent example. The disaster was totally man-induced by getting rid of all the mangrove forests along all the coasts that were the natural buffer for the tidal waves. Here's a little chart here that's easy to make. The species per year of natural (inaudible) extinction worldwide is less than 10 species per year. And now it's man-induced extinction rates are between 50,000 and 100,000 species per year. That's just a... Okay, here's something, another chart. In 1986, was about the last year that the earth could reproduce and absorb our consumption, humans. Since then we've been using the capital of what's left, and it doesn't really doesn't have much to do with food production because we rely upon the natural systems in place for our existence. We have to have that for the clean air, clean water, and clean soil. This is what's been going down. Okay, here's a prairie dog community tucked in the corner of the Dismal River here, and there's no place else for it to go. If this law were in place, it would be totally wiped out because they couldn't move it. It doesn't go within the higher reaches of the Sandhills, and it couldn't go over the next hill, the next ecosystem, next biome. Within the healthy prairie dog town, and when I say a healthy town, it's entirely different than one that's been poisoned off every two years; that's not a healthy town. A healthy town, there are at least six times as many predators within the healthy town than outside the town. Then they can't exist in open prairie. Twice as many birds, twice as many bird types; have to have it for existence. And within that community, the equation is, it has to have so many...much more mass of insects, the small mites and nematodes. This is where the process is, the aeration process. It's what environmental engineers call micropores within the prairie dog town, so when heavy rains come, as typical of the Great Plains, it percolates and recharges the aquifer. A 100-acre prairie dog town takes care and maintains 200 or 300 or 400 acres. It has to move; it naturally moves around. In times of drought, it spreads more; it can be a problem. But in its natural state, in normal rainfall, that's what it does; it takes care of more area because it naturally flows, just like when the buffalo migrated north, they headed for the prairie dog town because the grasses were so succulent. Grasses start growing sooner in the

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springtime, and they grow later in fall. Now, this doesn't happen where they're poisoned off that often; you can't have a healthy community. The first thing that comes back after a poisoning are the prairie dogs. The other creatures are killed off. This is the Sandhills there. This is the prairie dogs. This is a dog habitat suitability map made by the Game and Parks Commission. This is a presettlement up here in the Sandhills. The area that's occupiable within the Sandhills really has never changed. It's the bottom land, certain types of bottoms, certain types of soils that they...a little less prevalent to falling in. This is a good example here within the Box Butte County of what's been happening with irrigation. If you notice the...it's not suitable now because of all the cropland. And before, there were lots and lots, there used to be lots of prairie dogs within this county, which we charged the aquifer there for hundreds and hundreds of years, perhaps thousands of years. This is a huge issue. The aquifer recharge capacity that we're lacking now. It's down 98 percent between Canada and Mexico. They used to maintain and take care of over 400 million acres; it's down to about 2 million acres now. One of the best known creatures that inhabits a prairie dog community. We spend about 20 million acres on these, propagating them in zoos, and there's...we can't even begin to make a plan to put them in Nebraska because of the poisoning programs. Burrowing owls, of course, are very dependent upon prairie dog communities. This is a little burrowing owl band recovery area. They migrate every year. This is a rancher here, a little farmer, preparing a site for prairie dog translocation because he wanted more biodiversity on his land, and they'd been poisoned off before. Some students capturing some for a translocation program, which really aren't allowed much anymore. This bill would prevent translocating them, basically. It would require killing them off because the Game and Parks Commission doesn't have any program that allows that. This is a picture of this last summer, okay, a photograph. This side is cattle, this side is not cattle. Now, this looks just like what they've been speaking about for what the prairie dogs do. You can't blame prairie dogs for the drought, but during times of drought it's easy to, but this is what all the land looks like. It depends on...you can't have land...it's very easy to overgraze property when it doesn't rain. This is up in Buffalo Gap, a prairie dog community. This was about...in some areas of the Northern

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Great Plains, the driest year on record any time, even drier than any year in the '30s. Okay, this is a prairie dog community across this fence, but there's cattle over there, also. You're not going to see grass like this where there are cattle, in times of drought. This is the barrier fence. There are several types of barrier fences they can use. This obviously works. This is the taller grass over here. You really don't need these in eastern Nebraska. It's entirely different country, different terrain, and the tall grass can be a good barrier. But it doesn't work in the west; it really doesn't. The ranchers can attest to that. They have used deferred grazing, the National Forest Service has, and according to the National Forest Service, which is the largest, or the federal government, the largest land manager in the United States. They manage close to 300 million acres. They've never had a loss of livestock from a prairie dog hole, falling in a hole. And actually we're yet to find one in the 11 states of the compact. The Game and Parks Commission has been searching in every state, activists have, and ranchers have been asked. I heard of one possible cattle loss three years ago from a student in Lincoln, but I couldn't get anything confirmed from their parents. This is the, I'm not saying it can't happen or it hasn't happened, but the prevalence of loss from lightning bolts is at least a thousand times greater. Here are focal areas that...this is a historical area of black-tailed prairie dog, and Nebraska really doesn't have too many areas that are...we can attempt to produce or reintroduce black-footed ferret, although Ted Turner may be trying to on one of his areas. We have, like the ranchers have stated, there have been problems here, and there's problems also when prairie dogs get into irrigation; that can be a problem. But when there's drought, times of drought, it's difficult, whatever you try to raise, for the land. A mountain plover, another creature that has to have their similar short grass prairie for it to exist. This is a ferruginous hawk nest, about 9 feet in diameter, the largest hawk in North America. This is on a workshop at a ranch on the Niobrara River. And this lady who has this ranch said she'd get her shotgun out if anybody tried to kill her prairie dogs off. It's full of biodiversity, even this last year, it was very dry. And just a parting shot of the Sandhills, which we all love. That's it.

SENATOR KREMER: Okay. Thank you, Mr. Bruce. Any

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questions? Senator Fischer.

SENATOR FISCHER: Thank you, Mr. Bruce. Did I hear that you were from the Western Nebraska Resource Council?

BUFFALO BRUCE: Yes.

SENATOR FISCHER: What is that exactly?

BUFFALO BRUCE: It's a nonprofit group that was started...it was started up when the nuclear power first attempted to go into and put a waste dump into Dawes County. And we resisted that and kicked it out, didn't kick it far enough, basically. And there are a lot of landowners within this group. And we try to be neutral on a lot of things, and it's an educational group, and we also worked on getting another waste dump out of there last year, so. It's...

SENATOR FISCHER: So you're, are you a landowner then, in...

BUFFALO BRUCE: I have some land...maintain some land in Dawes County.

SENATOR FISCHER: In Dawes County?

BUFFALO BRUCE: Yes.

SENATOR FISCHER: You said you teach in the school system. Which school system are you with?

BUFFALO BRUCE: Well, I give lectures, campuses. I teach a class at American University in D.C. every year, and I teach at most of the Lincoln schools and Omaha schools and western schools, and both coasts, and Chadron State College.

SENATOR FISCHER: Are most of your pictures from the Panhandle area, then?

BUFFALO BRUCE: Yes.

SENATOR FISCHER: I'm from Valentine in the Sandhills, Cherry County, and you have harder ground west of us there. And most of your pictures are from that area?

BUFFALO BRUCE: Yes.

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SENATOR FISCHER: Okay. Even the Niobrara one, the Niobrara River one?

BUFFALO BRUCE: That was the Dismal River.

SENATOR FISCHER: I thought later on you had one of the Niobrara. Maybe I misunderstood. Okay. I can visit with you later about that.

BUFFALO BRUCE: Okay, sure. Sure.

SENATOR FISCHER: Thank you.

BUFFALO BRUCE: And my flyovers, well, the numbers of prairie dogs has been mentioned before, from 60,000 to 130,000 acres, those were different...not only different estimates, those were different surveys, different types of surveys. The numbers have never been even suggested to have increased by (inaudible) officials.

SENATOR KREMER: Okay, Mr. Bruce. Any other questions? Senator Preister.

SENATOR PREISTER: Bruce, we've had some problems with groundwater recharge in areas of Nebraska, and particularly in these dry times, and we've got lawsuits; water is an issue. I keyed in when you talked about the prairie dogs contribute to the recharge. Could you elaborate a little bit on that?

BUFFALO BRUCE: Okay. It's not the prairie dogs, but the mites and nematodes that aerate the soils, and there's much more insect biome within these areas because it's so, the caring capacity is so much more because of the...in the livestock tank, they go to a prairie dog town, in normal times of rain, waterfall, and moisture, just like the elk and deer and bison and antelope do. And so with the more waste, there's more insects and they break apart the hard ground. It's the insects that do the aeration, not the larger animals; they do like rototilling. The prairie dogs will rototill a few tons per acre, depending on the numbers per acre. But, and then when they move, it's just this natural motion like when the buffalo migrated north and they left the prairie dog town. They cut a swath of grass, and

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the prairie dogs liked that because they don't keep the grass cropped short for food as much as for visual, except in times of drought. But they would go after the bison when they mowed the grass down; this is how they moved around. And then they'd be farther down the road. And then wherever they left, the ground was supple and loose and this is why Box Butte County was very arable and can grow crops on it. But there's not many prairie dogs there left. Therefore, and they're losing...the water table has dropped off drastically within that county, where there's so much crops within the Panhandle.

SENATOR PREISTER: So it isn't the hole, and the water going down into the hole...

BUFFALO BRUCE: No. No.

SENATOR PREISTER: ...from the prairie dog, but the prairie dog attracts the nematodes or other insects, and they help to aerate the ground...

BUFFALO BRUCE: Yes.

SENATOR PREISTER: ...break it up, make it easier for the water...

BUFFALO BRUCE: It's a...

SENATOR PREISTER: ...to percolate through when it does rain?

BUFFALO BRUCE: Environmental engineers call if micropores--the aeration process, that type of process.

SENATOR PREISTER: Okay. All right. Thank you.

BUFFALO BRUCE: Sure.

SENATOR KREMER: One other question, I think Senator Fischer has. You do have a question? Yes.

SENATOR FISCHER: Yes. I'm going to have to disagree with your last statement; I just can't let that go by. I'm a rancher and we practice holistic resource management, and while the insects are important and the microisms are

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important, it's the animal impact, the hooves just don't cultivate it; it's the animal impact of those hooves that break up the soil and allow the seeds to get in and for the water. And I also, I guess, disagree with your comment about prairie dog towns being good for adding more water to the aquifer, because you have to have some kind of plant life in order for that aquifer to be refilled, and I believe prairie dog towns, as we've seen and heard today, they destroy most of the plant life that's around there, and I've seen that in my own area, so I just wanted to make that point with you.

BUFFALO BRUCE: Well, in the science...

SENATOR KREMER: We need to...

BUFFALO BRUCE: Okay.

SENATOR KREMER: Go ahead. If you have a statement, then go ahead, we need it.

BUFFALO BRUCE: Yes. The cattle that...well, in normal times of moisture, cattle that are locked in a pasture with a prairie dog community, go to market with just as much or more weight gain than the equal-sized area outside, and the tests and the results from the studies they've been doing for over 50 years, with much less fat because it's much higher nutritional value because of the more organic matter. That's...there's no question there about the nutritional value. And it helps the ozone depletion, too, because of the much less methane; with the more better, higher nutritional value you don't have the methane.

SENATOR KREMER: You've mentioned you're representing the Western Resource Council. Are they...their position is neutral on this bill?

BUFFALO BRUCE: Yes.

SENATOR KREMER: Okay. So you're a neutral? Okay. Any other questions? Seeing none, thank you, Mr. Bruce. Anyone else wishing to testify in a neutral capacity? I see none in Lincoln. Is there anyone in Chadron? Seeing none, that will...I guess, Senator Loudon, would you like to come and close on LB 673.

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SENATOR LOUDEN: Thank you, Senator Kremer, and members of the committee. I think the last PowerPoint would probably show quite a little, that management, there has to be some kind of a management system. And as this LB 673 doesn't point out, it is a management bill; it isn't an eradication bill. So management of the animals is a focal point of the bill. Some of the...one of the other testifiers that testified against the bill was from the...Larry Dix, from the Nebraska County Officials Association. I think they're...most of the things that he mentioned about it are already in the Noxious Weed Act. This was patterned after the Noxious Weed Act, so some of the problems that he has with what the county has to do as duties has already been delegated to them in the Noxious Weeds. The expense that they complain of, and I know when he sent the letter round from Sheridan County, I'm quite well acquainted with Vern Platt and members of the Sheridan County Commissioners, and I discussed this with them at length. Their problem is they don't think they...they think it's going to cost them some money and they just plainly don't want to do it. They want somebody else to do it. I've asked the commissioners who would they recommend, and they haven't come up with a solution either. And so, of course, in your noxious weed bills, or noxious weed laws, the counties are appointed to take care of the problem. So that's the reason that's in the bill for prairie dogs, and I think that some of the testimony was that I didn't think county officials would be schooled enough to do something like this, whereas at the present time, they're doing coyote control and they contract through the Animal Wildlife Control through the U.S. Department of Agriculture, at the present time, and have been paying their own ways to do that. The counties have been doing animal damage control on bigger predators. With that, it's a management plan that we've worked on. I think as far as counties being able to do it, we have no problem. The reason there isn't anything written into that law specific about having inspectors and that sort of thing, because I said, we don't need inspectors out there; the citizens will be the inspectors. Don't kid yourself, if there's prairie dog problem, they'll certainly tell the county commissioners in no uncertain terms there's a problem. If there isn't a problem, the county commissioners won't ever hear about it. So that part, I think, is something that's done on the local level, and that's what we

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like to keep most of the stuff down on the local level. At this time, I would like to thank all the people that testified from Chadron, and I appreciate them coming out to do that with, and I certainly want to thank Senator Kremer and members of the Agriculture Committee for having this hookup for people out into my district so that they didn't have to travel some 400 and some odd miles to testify. If you noticed, there was about eight people out there, and you multiply that does 400 one way, why, that's a lot of miles traveling and a lot of gas burned, so those of you that are environmentalists, you can feel today that you saved a whole lot of gasoline. Any questions?

SENATOR KREMER: Thank you, Senator Louden. Do you have any questions for Senator Louden? I see none here, so thank you. And we want to thank you in Chadron for coming out and taking part in this. We're glad that we can accommodate you and save you many miles of travel. And we're glad you were able to come in and testify. We would also like to encourage you to send your sign-in sheets; fax them in, please. We need this for our records. Thanks again, and that will close the hearing on LB 673.